

CONGRESSIONAL RECORD SUMMARY

Thursday, March 6, 2003

SENATE

Measures Introduced:

S. 551. A bill to provide for the implementation of air quality programs developed in accordance with an Intergovernmental Agreement between the Southern Ute Indian Tribe and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Environment and Public Works.

Campbell

Pages S 3252, S 3275-6

See Page S 3276: SEC. 6. JUDICIAL REVIEW.

Any decision by the Commission that would be subject to appellate review if it were made by the Administrator--

*(1) shall be subject to appellate review by the United States Court of Appeals for the Tenth Circuit; and
(2) may be reviewed by the Court of Appeals applying the same standard that would be applicable to a decision of the Administrator.*

S. 554. A bill to allow media coverage of court proceedings; to the Committee on the Judiciary.

"...This legislation will provide Federal judges with the statutory authority to exercise their discretion to allow the photographing, electronic recording, broadcasting and televising of federal court proceedings. During the 107th Congress, the Judiciary Committee reported identical legislation favorably, by a vote of 12 to 7. It's my hope that the full Senate will have the opportunity to act on this bill as early as possible in the 108th Congress..."

Gassley

Pages S 3252, S 3276-7

S. 556. A bill to amend the Indian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Campbell

Pages S 3252, S 3277-3315

See Page S 3305: "FEDERAL TORT CLAIMS ACT COVERAGE.

"For purposes of section 224 of the Public Health Service Act (42 U.S.C. 233), with respect to claims by any person, initially filed on or after October 1, 1999, whether or not such person is an Indian or Alaska Native or is served on a fee basis or under other circumstances as permitted by Federal law or regulations, for personal injury (including death) resulting from the performance prior to, including, or after October 1, 1999, of medical, surgical, dental, or related functions, including the conduct of clinical studies or investigations, or for purposes of section 2679 of title 28, United States Code, with respect to claims by any such person, on or after October 1, 1999, for personal injury (including death) resulting from the operation of an emergency motor vehicle, an urban Indian organization that has entered into a contract or received a grant pursuant to this title is deemed to be part of the Public Health Service while carrying out any such contract or grant and its employees (including those acting on behalf of the organization as provided for in section 2671 of title 28, United States Code, and including an individual who provides health care services pursuant to a personal services contract with an urban Indian organization for the provision of services in any facility owned, operated, or constructed under the jurisdiction of the Indian Health Service) are deemed employees of the Service while acting within the scope of their employment in carrying out the contract or grant, except that such employees shall be deemed to be acting within the scope of their employment in carrying out the contract or grant when they are required, by reason of their employment, to perform medical, surgical, dental or related functions at a facility other than a facility operated by the urban Indian organization pursuant to such contract or grant, but only if such employees are not compensated for the performance of such functions by a person or entity other than the urban Indian organization."

Measures Introduced (Cont'd.):

S. 561. A bill to preserve the authority of States over water within their boundaries, to delegate to States the authority of Congress to regulate water, and for other purposes; to the Committee on the Judiciary.
"... I rise to introduce the State Water Sovereignty Protection Act, a bill to preserve the authority of the States over waters within their boundaries, to delegate the authority of the Congress to the States to regulate water, and for other purposes..."

Crapo

Pages S 3253, S 3319

S. 562. A bill to amend chapter 3 of title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into 2 circuits, and for other purposes; to the Committee on the Judiciary.
"...The Pledge decision rendered by the court is not an aberration. It is symptomatic of a court that has become dysfunctional and out-of-touch with American jurisprudence, common sense, and constitutional values. Unfortunately, citizens in the states that are within the Ninth Circuit's jurisdiction have had to contend with the court's idiosyncratic jurisprudence for decades. [] One of the reasons the Ninth Circuit is reversed so often is because the circuit has become too large and unwieldy. The Circuit serves a population of more than 54 million people, almost 60 percent more than are served by the next largest circuit. By 2010, the Census Bureau estimates that the Ninth Circuit's population will be more than 63 million. According to the Administrative Office of the U.S. Courts, the Ninth Circuit alone accounts for more than 60 percent of all appeals pending for more than a year. And with its huge caseload, the judges on the Court just do not have the opportunity to keep up with decisions within the circuit, let alone decisions from other circuits..."

Murkowski

Pages S 3253, S 3319-21

S. 565. A bill to improve homeland security, prevent tax increases, support education and health care, and strengthen the economy; to the Committee on Appropriations.

Edwards

Pages S 3253, S 3323-5

Measure Reported:

S. 253, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

Pages S 3252, D 195

Nomination Considered:

Senate continued consideration of the nomination of Miguel A. Estrada, of Virginia, to be United States Circuit Judge for the District of Columbia Circuit.

Pages S 3211-18, D 195

During consideration of this nomination today, Senate took the following action:

By 55 yeas to 44 nays (Vote No. 40), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate failed to agree to the motion to close further debate on the nomination.

Pages S 3217, D 195

Nomination--Agreement:

A unanimous-consent agreement was reached providing for the consideration of the nomination of Gregory L. Frost, to be United States District Judge for the Southern District of Ohio, at 6 p.m. on Monday, March 10, 2003, with a vote to occur thereon.

Pages S 3244, D 195

Partial Birth Abortion Ban--Agreement:

A unanimous-consent agreement was reached providing for the consideration of **S. 3**, to prohibit the procedure commonly known as partial-birth abortion, at 5 p.m. on Monday, March 10, 2003.

Pages S 3337, D 195

Nominations Confirmed:

Senate confirmed the following nominations:

Timothy C. Stanceu, of Virginia, to be a Judge of the United States Court of International Trade.

Edward F. Reilly, of Kansas, to be a Commissioner of the United States Parole Commission for a term of six years. (Reappointment)

Cranston J. Mitchell, of Missouri, to be a Commissioner of the United States Parole Commission for a term of six years.

Janet Hale, of Virginia, to be Under Secretary for Management, Department of Homeland Security. (New Position)

Peter Joseph Elliott, of Ohio, to be United States Marshal for the Northern District of Ohio for the term of four years.

Pages S 3337, D 196

Committee Meeting:

Committee on the Judiciary: Committee ordered favorably reported the following business items: **S. 253**, to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; **S. 113**, to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism, with an amendment in the nature of a substitute; and ***The nominations of Timothy M. Tymkovich, of Colorado, to be United States Circuit Judge for the Tenth Circuit, J. Daniel Breen, to be United States District Judge for the Western District of Tennessee, Thomas A. Varlan, to be United States District Judge for the Eastern District of Tennessee, William H. Steele, to be United States District Judge for the Southern District of Alabama, and Humberto S. Garcia, to be United States Attorney for the District of Puerto Rico, and Eugene James Corcoran, to be United States Marshal for the Eastern District of New York, both of the Department of Justice.***

Pages D 197-8

Remarks:

Filibusters On Judicial Nominations.

"...Furthermore, after I gave my statement last week, an incident occurred in the Senate Judiciary Committee that is of great concern to me and should be to the entire Senate. The rules of the Judiciary Committee require at least one Member of the minority party to agree to end debate on a matter before the Committee. Despite this rule, and despite the fact that no one on the Democratic side voted to end debate, the Committee held a vote on two circuit court nominees anyway. If Committee rules are going to be ignored--if the rights of the minority party and the interests of the minority party are trampled upon--this process is going to break down. It may take a filibuster in the full Senate to ensure that the rules are followed..."

Boxer

Page S 3247

Senate Confirmation Of Additional Presidential Executive and Judicial Nominations.

Leahy

Pages S 33337-8

HOUSE

Bills Introduced:

H.R. 1109. A bill to establish a Financial Markets Oversight Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

DeFazio

Page H 1678

H.R. 1111. A bill to amend title 10, United States Code, *to revise the rules relating to the court-ordered apportionment* of the retired pay of members of the uniformed services to former spouses, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Ballenger

Page H 1678

H.R. 1112. *A bill to amend title 28 of the United States Code to authorize the appointment of additional bankruptcy judges, and for other purposes; to the Committee on the Judiciary.*

Kingston

Pages H 1678

H.R. 1114. *A bill to establish legal standards and procedures for the fair, prompt, inexpensive, and efficient resolution of personal injury claims arising out of asbestos exposure, and for other purposes; to the Committee on the Judiciary.*

Kirk

Page H 1678

H.R. 1115. *A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes; to the Committee on the Judiciary.*

Goodlatte

Page H 1678

H.R. 1116. *A bill to reform the medical malpractice insurance business, to provide for Federal alternative medical malpractice insurance, and to limit frivolous lawsuits; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.*

Conyers

Page H 1678

H.R. 1117. A bill to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

Cox

Page H 1678

H.R. 1120. A bill to ensure and foster continued patient safety and quality of care by clarifying the application of the antitrust laws to negotiations between groups of health care professional and health plans and health care insurance issuers; to the Committee on the Judiciary.

Bachus

Page H 1679

Bills Introduced (Cont'd.):

H.R. 1124. A bill to reduce the cost of medical malpractice insurance, to enhance patient access to medical care, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration

of such provisions as fall within the jurisdiction of the committee concerned.

Dingell

Page H 1679

H.R. 1147. A bill to improve the safety of firearms; to the Committee on the Judiciary.

Millender-McDonald

Page H 1680

H.R. 1148. A bill to direct the Secretary of Homeland Security to carry out activities to assess and reduce the vulnerabilities of public transportation systems; to the Committee on Transportation and Infrastructure.

Millender-McDonald

Page H 1680

H.R. 1151. A bill to *provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region*; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Government Reform.

Moran

Page H 1680

H.R. 1154. A bill to *provide that the International Criminal Court is not valid* with respect to the United States, and for other purposes; to the Committee on International Relations.

Paul

Page H 1680

H.R. 1157. A bill to *amend the Foreign Intelligence Surveillance Act* to exempt bookstores and libraries from orders requiring the production of any tangible things for certain foreign intelligence investigations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Sanders

Page H 1680

H.R. 1158. A bill to modify the antitrust exemption applicable to the business of medical malpractice insurance, to address current issues for health care providers, to reform medical malpractice litigation by making available alternative dispute resolution methods, requiring plaintiffs to submit affidavits of merit before proceeding, and enabling judgments to be satisfied through periodic payments, to reform the medical malpractice insurance market, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Sandlin

Page H 1680

H.R. 1161. A bill to prevent trafficking in child pornography and obscenity, to proscribe pandering and solicitation relating to visual depictions of minors engaging in sexually explicit conduct, to prevent the use of child pornography and obscenity to facilitate crimes against children, and for other purposes; to the Committee on the Judiciary.

Smith

Pages H 1680-1

Bills Introduced (Cont'd.):

H. Res. 132. *A resolution expressing the sense of the House of Representatives that the Ninth Circuit Court of Appeals ruling in Newdow v. United States Congress is inconsistent with the Supreme Court's interpretation of the first amendment and should be overturned, and for other purposes; to the Committee on the Judiciary.*

Reports Filed:**Reports were filed today as follows:**

H.R. 14, to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, amended (House Report 108-26);

H.R. 663, to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, amended (House Report 108-28).

Pages H 1678, D 198

Committee Meetings:

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on Attorney General. Testimony was heard from John Ashcroft, Attorney General, Department of Justice.

Committee on Education and the Workforce: Ordered reported, as amended, **H.R. 1000**, Pension Security Act .

Committee on Energy and Commerce: Ordered reported, as amended, **H.R. 5**, Help Efficient, Accessible, Low-Cost, Timely Healthcare (HEALTH) Act of 2003.

Page D 199

Committee on Financial Services, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing on the following bills: **H.R. 658**, Accountant, Compliance, and Enforcement Staffing Act of 2003; and **H.R. 957**, Broker Accountability through Enhanced Transparency Act of 2003.

Committee on Government Reform: Ordered reported, as amended, **H.R. 735**, Postal Civil Service Retirement System Funding Reform Act of 2003. The Committee also held a hearing entitled "From Reorganization to Recruitment: Bringing the Federal Government into the 21st Century."

Committee on the Judiciary: *Subcommittee on the Constitution held a hearing on H.J. Res. 22, proposing a balanced budget amendment to the Constitution of the United States.*

Page D 200

Remarks:**Asbestos Litigation Inundates The Court System.**

"...In 2001, almost 90,000 individuals joined in asbestos-related personal injury suits against 6,000 entities, but only 10 percent of those claimants have any symptoms of asbestos-related illnesses. These legal tactics force defendants into settlements because they cannot take the risk of "betting the company" on pronouncements of a judge and jury. This first happened in 1982 when 16,000 asbestos personal injury suits forced Johns Manville Corporation into bankruptcy. Since then, the uncertainty of asbestos litigation

has driven nearly 70 major American companies into bankruptcy. [] The ever-burgeoning caseload has spawned criticism even from Supreme Court justices who warn that the asbestos litigation crisis is slowing the administration of justice nationwide, and therefore, Congress must act. These complaints span the ideological spectrum of the Supreme Court, including court liberals like Ruth Bader Ginsberg and moderates like David Souter...”

Kirk

Pages H 1660-1

America's Role In Finding A Solution To Terrorism.

Jackson-Lee

Pages H 1674-6

Domestic Violence.

Baca

Page E 377

Breaking The Cycle Of Domestic Violence.

Pallone

Pages E 377-8

Miguel Estrada Nomination.

Baca

Page E 379

Human Cloning Prohibition Act Of 2003.

Houghton

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Next SENATE MEETING: Friday, 9:30 a.m., March 7, 2003.

Next HOUSE MEETING: Friday, 12:00 p.m., March 7, 2003.

OLA: S. Schwarz, A. Getter-Santos